

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FIBRIX, LLC,

Plaintiff,

v.

22-CV-199 (JLS) (MJR)

SCHLUMBERGER TECHNOLOGY
CORPORATION,

Defendant.



DECISION AND ORDER

Plaintiff Fibrix, LLC commenced this action on February 10, 2022, in New York State Supreme Court, Erie County, seeking specific performance of a lease agreement between it and Defendant Schlumberger Technology Corporation—in particular, specific performance of a purchase option. Dkt. 1-6. Defendant removed the case to this Court on March 11, 2022, citing diversity jurisdiction. Dkt. 1. Defendant then answered the complaint on April 1, 2022. Dkt. 5. This Court referred the case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. §§ 636(b)(1)(A)–(C). Dkt. 6.

Soon after, Plaintiff moved to remand the case to state court, arguing that this Court lacked diversity jurisdiction because the amount in controversy did not exceed \$75,000. Dkt. 7. Defendant opposed the motion, and Plaintiff replied in further support. Dkt. 9; Dkt. 10.

On November 2, 2022, Judge Roemer issued a Report and Recommendation (“R&R”), recommending that this Court deny Plaintiff’s motion to remand the case to

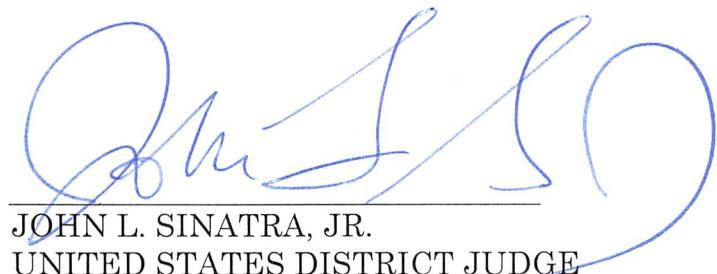
state court because Defendant established, by a preponderance of the evidence, that more than \$75,000 is in controversy. Dkt. 17.

Neither party objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so here, this Court nevertheless reviewed Judge Roemer's R&R. Based on that review, and absent any objections, the Court accepts and adopts the R&R.

For the reasons stated above and in the R&R, the Court **DENIES** Plaintiff's motion to remand this case to state court (Dkt. 7). The Court refers the case back to Judge Roemer for further proceedings, consistent with the referral order at Dkt. 6. SO ORDERED.

Dated: January 9, 2023
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE